

1
2
3
4
5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
7

8 WILLIAM HELM, et al.,

No. C 08-01184 SI

9 Plaintiffs,

**ORDER GRANTING DEFENDANT'S
MOTION FOR EXTENSION OF
BRIEFING AND HEARING SCHEDULE,
AND DENYING DEFENDANT'S
REQUEST TO TAKE ADDITIONAL
DISCOVERY**

10 v.

11 ALDERWOODS GROUP, INC,

12 Defendant.
13 _____/

14 Plaintiffs' renewed motion for class certification is presently set for hearing on September 10,
15 2010. Alderwoods has filed a request to extend the briefing and hearing schedule on the motion by three
16 weeks. In view of the length of the motion and accompanying papers, Alderwoods states that it requires
17 additional time to respond, and the Court finds that this is an appropriate reason for granting the
18 requested extension. Additionally, the motion for class certification filed in the related *Bryant* action
19 is also set to be heard on September 10. Continuing the hearing on the motion filed in this case will
20 therefore allow full but separate consideration of the motions. Alderwoods' motion to extend time is
21 accordingly GRANTED, and the briefing and hearing schedule on plaintiffs' renewed motion for class
22 certification is modified as follows:

23 **Opposition: September 10, 2010**

24 **Reply: September 17, 2010**

25 **Hearing: October 1, 2010**

26 Alderwoods has also requested leave to conduct an additional 15 depositions with respect to
27 plaintiffs' "On-Call" class. Alderwoods asserts that the definition of this class is "significantly
28 different" from the definition given in plaintiffs' first certification motion, and contends that it will be

1 denied due process if it is not given the opportunity to conduct additional discovery. After reviewing
2 both motions for class certification, however, the Court agrees with plaintiffs that the definition of the
3 On-Call class has simply been narrowed. Plaintiffs asserted the piece rate theory they now advance
4 during the first round of briefing, and the Court addressed the theory in ruling on the motion.
5 Alderwoods has had ample opportunity to conduct discovery on plaintiffs' piece rate theory, and the
6 Court does not believe that additional depositions are justified at this time. The request for leave to
7 conduct 15 additional depositions is therefore DENIED.

8
9 **IT IS SO ORDERED.**

10
11 Dated: August 11, 2010



12 SUSAN ILLSTON
13 United States District Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28